IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION	Civil No. 19-2875 (RBK/JS)

ORDER

This matter is before the Court on Teva's application for an Order "foreclosing additional review of documents its TAR predicts to be non-responsive and/or to shift the cost of Teva's further non-responsive document review by ordering plaintiffs to reimburse Teva's costs and fees associated with reviewing documents that its Continuous Multi-Modal Learning ("CMML") platform predicts are non-responsive" [Doc. No. 594]; and the Court having received plaintiffs' response with their counter request for relief [Doc. No. 612] and Teva's reply [Doc. No. 616]; and the Court also having received the parties' supplemental submissions [Doc. Nos. 634, 635, and 648]; and the Court having held oral argument by phone on November 11, 2020; and this Order intending to memorialize the rulings in the Court's accompanying Opinion; and good cause existing to enter this Order; and accordingly,

IT IS HEREBY ORDERED this 2nd day of December 2020 as follows:

1) Teva's October 13, 2020 application [Doc. No. 594] asking the Court to approve its CMML platform is DENIED;

2) Teva's request for an Order foreclosing additional review of documents its TAR tool predicts to be non-responsive is DENIED;

3) Teva's request to shift the cost to plaintiffs of its review of alleged non-responsive documents is DENIED; and

4) Plaintiffs' request for relief and sanctions [Doc. No. 612] is DENIED; and it is further,

ORDERED that unless otherwise agreed to by the parties, Teva shall use the previously negotiated "Protocol Regarding Validation of Technology Assisted Review ('TAR')" attached as Exhibit B to plaintiffs' October 30, 2020 letter [Doc. No. 612], to review its non-responsive documents. To the extent not already included in the Protocol the Protocol shall include the following:

(1) a provision that the Protocol will be memorialized in a Court Order;

(2) appropriate validation measures including plaintiffs' right to review 5000 alleged non-responsive documents to evaluate the effectiveness of Teva's Protocol;

(3) plaintiffs' right to apply to the Court for further relief within sixty (60) days after the designated non-responsive documents are produced if plaintiffs' review of the documents demonstrates that more than a minimal amount of materially relevant and non-duplicate or cumulative documents were designated non-responsive;

(4) a proposed final date when Teva's review of its documents will be completed and the date when plaintiffs will be given Teva's list of non-responsive documents. Thereafter, plaintiffs shall

make their designation of the 5000 non-responsive documents to be produced within fourteen (14) days of service. Teva shall produce the designated documents to plaintiffs fourteen (14) days after plaintiffs' designation; and

(5) within sixty (60) days of their receipt of the designated non-responsive documents, plaintiffs shall notify the Court if there are any alleged deficiencies in Teva's ESI production; and it is further,

ORDERED the Court shall be served with the final Protocol and the proposed dates required by the foregoing paragraph (4) by December 17, 2020. If any disputes exist, letter briefs shall be filed by the same deadline.

s/ Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge